

2:16-cv-01794-JCM-BNW

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3
4 STACEY M. RICHARDS,)
5 Plaintiff,) Case No. 2:16-cv-01794-JCM-BNW
6 vs.) Las Vegas, Nevada
7 GREG COX, RENEE BAKER, and) Monday, June 26, 2023
8 ERIC BOARDMAN,) 1:40 p.m. to 1:48 p.m.
9 Defendants.) Courtroom 6A
10) JURY TRIAL, DAY 1, PM SESSION
11) **C E R T I F I E D C O P Y**
12)

13 REPORTER'S TRANSCRIPT OF JURY TRIAL, DAY 1, PM SESSION

14 BEFORE THE HONORABLE JAMES C. MAHAN,
15 UNITED STATES DISTRICT JUDGE

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18 APPEARANCES: See next page

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21 COURT REPORTER: Samantha N. McNett, RMR, CRR, CCR
22 United States District Court
23 333 Las Vegas Boulevard South, Room 1334
24 Las Vegas, Nevada 89101
Samantha_McNett@nvd.uscourts.gov

25 Proceedings reported by machine shorthand, transcript produced
by computer-aided transcription.

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APPEARANCES

For the Plaintiff:

RICHARD A. SCHONFELD, ESQ.
CHESNOFF & SCHONFELD
520 South 4th Street
Las Vegas, Nevada 89101
702-384-5563

-AND-

JOHN BURTON, ESQ.
LAW OFFICES OF JOHN BURTON
4 East Holly Street, Suite 201
Pasadena, California 91103
626-449-8300

For the Defendants:

DOUGLAS RANDS, ESQ.
RANDALL GILMER, ESQ.
MARNI WATKINS, ESQ.
OFFICE OF THE ATTORNEY GENERAL
555 E. Washington Avenue, Suite #3900
Las Vegas, Nevada 89101
702-486-3427

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INDEX OF EXAMINATIONS

(No examinations.)

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INDEX OF EXHIBITS**PLAINTIFF EXHIBITS**

EXHIBIT NO.:	OFFERED	ADMITTED	WITHDRAWN
(No exhibits offered or admitted.)			

DEFENDANT EXHIBITS

EXHIBIT NO.:	OFFERED	ADMITTED	WITHDRAWN
(No exhibits offered or admitted.)			

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1 LAS VEGAS, NEVADA; MONDAY JUNE 26, 2023; 1:40 P.M.

2 --oOo--

3 P R O C E E D I N G S

4 THE COURT: Where are we?

5 MR. SCHONFELD: Your Honor, we are pleased to advise
6 the Court that we have reached a settlement of the plaintiff's
7 claims.

8 THE COURT: All right. Is that true?

9 MS. WATKINS: That's true, your Honor. Sometimes all
10 it takes is lunch.

11 MR. SCHONFELD: And a jury.

12 THE COURT: That was it? Lunch?

13 MR. SCHONFELD: Lunch and a jury.

14 THE COURT: Who is -- who is the poet? He said,
15 "Nothing is so focused as one's attention as a view of the
16 gallows." Now, this is -- this is it or -- you know, when you
17 get serious. So that's fine.

18 I was telling my law clerks when I was a state court
19 judge, I had a sign that I guess is down the hall and -- it
20 doesn't matter, but it said, "A good settlement is better than
21 a great lawsuit." So congratulations.

22 MR. SCHONFELD: Thank you, your Honor.

23 THE COURT: Bring the jury in. I'll just excuse them.
24 Hold on just a second. Is there anything more that we
25 need to accomplish?

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1 MS. WATKINS: Do we want to put it on the record?

2 MR. SCHONFELD: I think -- probably not a bad idea.

3 We can do that in a moment.

4 MR. RANDS: After the jury is excused.

5 MR. SCHONFELD: Yeah, that's fine.

6 (Whereupon, the jury enters at 1:42 p.m.)

7 THE COURT: Go ahead and take your seats.

8 Will the parties stipulate to the presence of the
9 jury?

10 MR. SCHONFELD: Yes, your Honor.

11 MR. RANDS: Yes, your Honor.

12 THE COURT: All right. Well, I have good news and bad
13 news. The parties have settled the case. So your jury service
14 is going to be one day of jury service.

15 So if you were counting on spending the -- you know,
16 going out and buying a car or something, then -- obviously, I'm
17 being facetious, but you will -- you are entitled to one day
18 jury service. So just so you know.

19 Now, what's the report? We ready to go to trial?

20 MR. SCHONFELD: Your Honor, the matter is resolved.

21 THE COURT: Okay. Is that correct?

22 MR. RANDS: That's correct.

23 And for the record, I was advised I never made my
24 appearance. This is Douglas Rands also for the defendant.

25 THE COURT: All right. All right. Do you want to put

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1 anything else on the record?

2 MR. SCHONFELD: Outside of the presence of the jury,
3 your Honor.

4 THE COURT: Oh, okay. And then -- so I'll excuse you.
5 I'm going to just send you on your way, send you home. You got
6 the rest of the day off. So thank you. By simply coming here
7 and giving us a panel of citizens for whom we have selected the
8 jury, you guys are the ones that settled the case. Do you
9 understand? The fact that you're here with your notebooks
10 ready to go, okay, well, that settled that case.

11 So just thank you for taking the time out of your busy
12 schedule and we appreciate it. And you've done your jury
13 service.

14 One other thing, we used to have -- I hope we still
15 do, have an agreement for two years. And I've had jurors do a
16 trial here, and the very next week, they get jury summons in
17 state court. So if you get a jury summons in the next two
18 years, just tell them, Judge Mahan said that there was an
19 agreement, you know, and even if the agreement's no longer in
20 effect, maybe -- but, anyway, if you get called for jury
21 service in the state court, you know, you can do that. Just --
22 just tell them, oh, wait now. I just did this in Judge
23 Mahan's. So -- okay.

24 And I'd like to talk to the jury if you would just
25 have them wait a minute more. If you would just wait for me in

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1 the jury room.

2 Okay. Now, what do we need to do here?

3 (Whereupon, the jury exits at 1:44 p.m.)

4 THE COURT: All right. Thank you. You may be seated.

5 MR. SCHONFELD: Your Honor, we just wanted to make a
6 record, both the plaintiff and the defense, as to what the
7 settlement amount is, the terms of the settlement --

8 THE COURT: Yes, sir. Sure.

9 MR. SCHONFELD: -- just so everybody's in agreement on
10 the record.

11 THE COURT: Sure. Absolutely. No, you want that.

12 MR. SCHONFELD: The plaintiff is settling his claims
13 for the amount of \$2,250,000 and the defense has agreed to pay
14 that amount.

15 THE COURT: All right. Is that -- do you agree?

16 MS. WATKINS: That's correct, your Honor.

17 There is one contingency is that plaintiff does not go
18 to the press with the settlement or any of the facts of the
19 case.

20 MR. SCHONFELD: Yeah. Plaintiff will not seek media
21 attention.

22 THE COURT: So it's going to be confidential?

23 MR. SCHONFELD: It can't be confidential, your Honor,
24 because it's subject to state approval.

25 MS. WATKINS: That's one of the -- one other thing is

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1 this whole settlement is contingent on Board of Examiners'
2 approval. I just had to make sure that that's on the record.

3 MR. SCHONFELD: And the agreement is plaintiff will
4 not seek out media attention, but, obviously, it is public.

5 THE COURT: So what do you want to with this case
6 then? Continue it with a status check for 30 days?

7 MS. WATKINS: That would be -- that would work. No.
8 It would have to be 90 days. The next Board of Examiners --

9 (Court reporter interruption.)

10 MS. WATKINS: In order to get on the Board of
11 Examiners meeting for August, we had to already -- that
12 timeline has already passed. So we would get on now for the
13 September meeting. So we would have to set it out for 90 days.

14 THE COURT: We need that approval from the Board of
15 Examiners, which comes in September. Okay. So let's continue
16 this for 90 days? Angela?

17 MS. WATKINS: That works, your Honor.

18 THE COURTROOM ADMINISTRATOR: Okay, your Honor. So
19 I'm looking at --

20 THE COURT: So this is June. We're almost into July.

21 THE COURTROOM ADMINISTRATOR: Yes. And 90 days puts
22 us at the end of September. I have September 22nd at 11:00
23 a.m.

24 THE COURT: Okay. And obviously, if it -- if the case
25 settles, I mean, if the payment and everything is copacetic,

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1 well, then, no problem. We'll just call -- call Susan, my JA,
2 and we'll take it off calendar and that's the end of that.

3 There's nothing -- nothing else that needs to be
4 handled in Court, correct?

5 MR. SCHONFELD: Not that I can think of, your Honor.
6 Thank you.

7 THE COURT: All right. All right. Yes, sir?

8 MR. BURTON: I'd just like to say one thing, your
9 Honor, is that I've been on this case since 2016 with your
10 Honor and I'm pro hac vice from Pasadena, California. And
11 today's the first day we actually met face-to-face, but I
12 really appreciate the effort that the Court and the court
13 staff, obviously, put into what I think, for our client, was an
14 extremely important case. So I just wanted to convey my
15 personal gratitude.

16 And also, I think I can speak for Mr. Richards on
17 this, his gratitude, as well.

18 THE COURT: And I appreciate that. Thank you.

19 MR. SCHONFELD: Thank you, your Honor.

20 THE COURT: Thank you. So nothing else, then we'll be
21 in recess?

22 MR. RANDS: Thank you, your Honor.

23 THE COURT: Thank you.

24 (The proceedings concluded at 1:48 p.m.)

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COURT REPORTER'S CERTIFICATE

I, SAMANTHA N. MCNETT, Official Court Reporter, United States District Court, District of Nevada, Las Vegas, Nevada certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

Date: June 26, 2023

/s/ Samantha N. McNett
Samantha McNett, RPR, CRR, CCR